



Public Interest Litigation: A catalyst for social justice in India

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ABSTRACT: A strong tool of social justice, Public Interest Litigation (PIL) enables concerned citizens of society and marginalized sections of society to approach the courts so that they can get legal relief for matters of public interest. PIL fills the gap between society and the judiciary and enables intervention by the courts in matters of human rights, protection of nature, corruption, and governance. This article discusses the importance of PIL as a tool for promoting social justice, its success in policy reform and the government, and its problems in the current legal system.

KEYWORDS: PIL, SOCIAL JUSTICE, HUMAN RIGHTS, ENVIRONMENTAL LAW, WORK HARASSMENT JUDICIAL ACTIVISM.

I. INTRODUCTION

Public Interest Litigation means a legal action taken to protect or enforce the rights of the public in general, and those of the marginalized or the disadvantaged groups in particular. Traditional litigation, which concentrates on resolving conflicts between only a few persons, unlike this however, only deals with matters that affect the society as a whole and, at the same time, causes social changes and transformations. In India, PIL has evolved as a major tool for socio-legal transformation, thus making it possible for the courts, for example, to address issues like ecological degradation, human rights violations, and socio-economic discrepancies.

II. HISTORICAL CONTEXT AND EVOLUTION OF PIL

PIL, that is to say, the public interest litigation, was first seen on the scene in India in the 1980s as a result of the voluntary initiatives of judges such as P.N. Bhagwati and V.R. Krishna Iyer. The two of them altered the established concept of locus standi, which allowed only those, who were directly affected by the violations, to have the right to sue, and they raised the bar by recognizing standing in the matters where individuals, groups, and public-spirited individuals are bringing right issues. In this way, thus, that process of democratizing justice, which apart from anything else increased the responsiveness of the legal system, aimed success in

delivering the common good to the underprivileged communities was completed.

In 1979, Hussainara Khatoon vs. State of Bihar (1998) was the first reported case of Public Interest Litigation in India. An advocate sought to probe the serious physical and mental conditions in prisons and the status of undertrial prisoners. His effort was motivated by a news report critical of the existence of thousands of such prisoners in various jails of the state. He initiated a series of proceedings that resulted in the release of more than 40,000 such prisoners. After the judgement in the PIL, the Supreme Court has emphasised that the right to speedy justice is a fundamental right and that this right should not be denied to prisoners. Public Interest Litigation is the act by a court to bring about social justice and preservation of human rights by intervening in cases of injustice.

III. PIL'S CONTRIBUTION TO SOCIAL JUSTICE:

1. Access to Justice Promise - Legal access to the marginalized community is one of the most fundamental roles of PIL. The uneducated and poor not always have the resources to fight legal cases by themselves. PIL offers a way for socially conscious people, nonprofit organizations, and activists to present their cases in court, therefore guaranteeing that justice does not just be weighted toward the wealthy.

2. Respecting inherent rights - Protection of constitutional basic rights has been made possible as a consequence of PIL. Public interest litigation has been utilized, for instance, to file cases of bonded labor, human trafficking, and child labor, and accordingly the landmark judgments in the cause of human dignity and equality have been delivered.

3. Environmental protection and sustainable development - Environmental conservation has been encouraged to a large extent by PIL. The PIL has contributed to landmark court rulings such as M. C. Mehta vs. The Union of India, which helped in the conservation of heritage areas such as the Taj Mahal,



regulation of industrial pollution and automobile emissions, and rationalizing policy-making bottom-up. Judicial activism through PIL has the result of governments being more stringent with environmental regulations and laws.

4. Accountability and Good Governance

PIL is a vehicle of government accountability and public official accountability. PILs have exposed government failure, public money misappropriation, and corruption and have triggered administrative transparency and policy change. The Vishaka vs. state of Rajasthan case shows the potential of public interest litigation (PIL) to bring comprehensive reform and trigger legislation against work related harassment.

5. Social as well as Economic Reforms

PIL has been a useful tool in highlighting major social causes like women's rights, education, health, and poverty alleviation. The courts have asked governments to execute welfare schemes appropriately so that public funds reach the needy.

IV. PROBLEMS AND CRITICISMS OF PIL:

Despite its achievements, PIL has some weak points:

1. Political Abuse and Personal Gain -

Even though PILs are an invaluable means of protecting public rights, their biggest liability is that they can be a scapegoat or political vehicles which is undesirable. PIL's are employed by politicians, activists and business people to annoy opponents, to seek publicity themselves or to obstruct government action. The change in the purpose of petitions stops them from serving as a system of reform for justice.

2. Legal costs and delays : PILs (public interest litigation) are impacted by delays and cost at the same time and significantly. Filing a PIL sometimes involves a long and complicated judicial process. As the matter gets progressed to various levels of courts, there are bound to be some delays, which will cause the matter to stretch over few years. such matters in litigation are expensive over time because petitioners have to incur the payment of lawyer fees, court expenses, and multiple other charges. For many of the petitioners, the cost incurrence is so high that it becomes impossible to pursue their cases any longer. Besides, the delays render the relief sought by the PIL ineffective because the issues which the litigation aims to resolve become moot or get outpaced by more pressing matters. The delays and expenses combined together undermines the very essence of PILs which

is meant to respond to and deal with social and public issues in a swift manner without wasting time.

3. Judicial Overreach and Courts' Interference with Executive Power- One of the greatest challenges facing Public Interest Litigation (PIL) is judicial overreach. When courts overstep their boundaries and interfere with executive authority, it leads to an imbalance of power; as a result, a court can make government policy decisions rather than interpreting laws. There is a misuse of PIL when courts seek to overturn executive decisions. to the court, leading to judicial activism. This can make the democratic processes weak and also can create uncertainty, which leads to poor accountability and transparency. In the end, it can cause the loss of rule of law and separation of powers.

4. Lack of Resources and Implementation- The holding of power languages for those who already have the podium for implementation, as they are not committed or unable to use their power for good. Political will is not the only issue that stands in the way of implementation in these cases but sometimes the Government may also be constrained by a lack of resources or excessive bureaucratic red tape.

V. SOME LANDMARK PIL CASES INDIA

• M.C MEHTA VS UNION OF INDIA (OLEUM GAS LEAK CASE 1986):

The M.C. Mehta v. Union of India lawsuit, particularly Shri Ram Food and Fertilizers, is a notable Public Interest Litigation case in Indian environment law. An oleum gas leak from the Shri Ram Food and Fertilizers plant in Delhi in 1985 resulted in an unexpected gas leak that harmed a large section of the surrounding populace. M C. Mehta initiated a Public Interest Litigation with the aim to shut down the plant and sought damages for the victims of the disaster. The Supreme Court in turn, created the fundamental concept of "absolute liability", which covered industries that undertook dangerous business activities without conditions. This is different from "strict liability" which has some leeway. The Court stated that there has to be accompanying compensation commensurate with the magnitude and capacity of the enterprise in order to serve the purpose of a deterrent. As a landmark PIL case, M.C . Mehta v. Union of India shows the active role of the Judiciary in the respect of environmental conservation and the protection of life of the citizens. With this ruling, hazardous industries will be further held responsible when the doctrine of absolute liability is violated. The ruling further showed the



breadth of scope that Article 21, the right to life, has in environmental matters.

This case has shaped the way hazardous industries in India are regulated, showcasing the flexibility of PILs in the context of the environment and its law and policy. The absolute liability has since developed as a key feature of Indian environment law, indicating a notable shift from the conventional doctrines of liability.

• **VISHAKA AND OTHERS VS. STATE OF RAJASTHAN (1997):**

Workplace sexual harassment is what drove a landmark PIL decision in the Vishaka case. Social worker Bhanwari Devi was gang-raped by a pack of men in response to her efforts to discourage a child marriage. The event caused national outcry and focused attention on the workplace's inability to protect women. Later an PIL was filed in the Supreme Court by various NGOs and women's organizations. It was meant to highlight the protective environment women are entitled to have against harassment at the workplace combined with the demands from the employer for prevention and remedial measures for cases of sexual harassment. Hence, the Supreme Court held that Articles 14, 19 and 21 were applicable within the purview of the Constitution of India under which every female has a fundamental right not to be sexually harassed. The court has stated, there also, that it refers to the sexual harassment as infringement of her right to life, liberty and dignity. This ruling carried on to status that would set the guidelines used by employers on preventive measures of and addressing the issue of harassment in the workplace. Central to this was the guideline establishment of complaint committees, processes of inquiry, and punishment of violators. Out of this landmark judgement emerged the foundation for laws and policies against workplace harassment in this country. This provided impetus for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This case is the model of how PILs can do great things to change and shape India's socio-legal landscape by expanding the boundaries of care for workers' safety and promoting gender equality.

• **RURAL LITIGATION AND ENTITLEMENT KENDRA & ORS VS. STATE OF UP & ORS (1985):**

The Rural Litigation and Entitlement Kendra & Ors v. State of UP & Ors case is a pioneering case in India to portray the tragic clash between industrialization and environmental protection. The case talks about the negative externalities of limestone quarrying in

Doons Valley, Mussoorie, which led to unprecedented ecological destruction in the form of deforestation, landslides, and drying up of springs and water courses.

The Supreme Court entered the arena, emphasizing the balance that needs to be struck between industrial activity and preservation of the environment. The stage, therefore, was set for a milestone judgment, was the closure of quarries that had caused immense environmental damage, with the exception of blasting activities, rehabilitation of lessees and employees displaced, and utmost adherence to the principle of environmental law.

Positives of the case:

- Quarry Closure: To whatever extent possible, nature here exercised its right not to be destroyed, and quarries that were ruining the environment were ordered to be closed.

- Rehabilitation of Environmental Displaced Workers: Rehabilitation was ordered by the court for displaced lessees and workers so that their well-being and livelihood source would be protected.

- Emphasis on Sustainable Development: Emphasis placed by the court on sustainable development and controls of regulation to stop the uncontrolled degradation of the environment thereby opened up the door for other environmental cases.

- Precedent for Judicial Action: The case set a precedent for judicial action in matters pertaining to the environment, thereby pointing out the role of the judiciary in the protection of the environment and the promotion of building and sustainable development.

Influence on Indian Environmental Law:

It is this case which has had a profound impact on Indian environmental law; it has therefore defined the country's policy towards environmental conservation and sustainable development. It has, through a series of epoch-making judgments, set the criteria upon which subsequent environmental legislation, including the Environment Protection Act of 1986, shall function-an Act which was triggered as a direct consequence of the Court's call for environmental control.

• **PARMANAND KATARA VS. UNION OF INDIA & ORS (1989):**

The case of Parmanand Katara vs. Union of India & Ors remains a landmark case that transformed India's approach to emergency medical treatment. A scooterist was knocked down by a speedy incoming car and subsequently brought to the local hospital, where he was, however, turned away by the doctors due to medical-legal reasons and referred to the hospital 20 kilometers away. The scooterist died on the way.



Filing of the Case: The case was filed by human rights lawyer and Senior Advocate Pt. Parmanand Katara, who went to the Supreme Court of India asking that directions be given to medical personnel to provide emergency treatment within minutes, foregoing technical formalities.

The Judgment: The Supreme Court viewed Article 21 as binding the state to protect life. It further held that government and private doctors were thus professionally bound to render medical aid within time, irrespective of legality. The verdict thus impacts longer-term transformations in India's health-care system, making emergency medical care their highest priority. Moreover, it changed the dynamics of medical practice and ethics; now physicians orient themselves toward saving human life rather than legal technicalities.

• **M.C. MEHTA VS. UNION OF INDIA & OTHERS (1985) :**

M.C. Mehta v. Union of India and Ors is a typical example of Public Interest Litigation (PIL) where the case included pollution of the Ganga River due to industrial effluents of Kanpur's tanneries.

Background: PIL case was brought by environment lawyer M.C. Mehta in 1985 to raise the devastating impact of pollution on the Ganga River and the environment.

Problem: Mehta attempted to prevent the respondents from discharging effluents into the Ganga River before the establishment of treatment plants to prevent pollution.

Judgment: The Supreme Court held that industries should have primary treatment plants to avoid pollution. The court laid special stress on maintaining the environment clean according to Article 48-A and Article 51-A of the Constitution.

Key Results:

- Industries were mandated to install primary treatment plants. - Governments were instructed to do all they could to prevent pollution. - The court specifically emphasized keeping the environment intact.

Impact: This trail-blazing PIL case has made a lasting impact on India's environmental legislations and policies, inducing industries to go green and the government to promulgate environmental legislations. Through this PIL, Mehta set the benchmark of individual initiative in safeguarding the people's interest and the environment.

VI. CONCLUSION

The public interest litigation has been, in a big way, a help in the process of social justice in India because it has given the people a platform on which

they may insist for real solutions to the systemic issues that are harming those who are most vulnerable. It has both safeguarded human rights, nature, and the socio-economic equality and put the bally in the court of law by ensuring that state intervenes before things get out of hand nature and person of the disadvantaged. Nevertheless, I insist that the major strength of this PIL approach will be jeopardized by the legal misbehaviour of the overuse, corrupt practices, and delayed justice. The balanced attitude of the different branches of government is thus dispensable especially in points of public interest litigation for social justice.

REFERENCES

- [1]. <https://www.drishtias.com/Paper2/public-interest-litigation>
- [2]. <https://lawfullegal.in/the-role-of-public-interest-litigation-in-promoting-social-justice-in-india/?amp=1>
- [3]. <https://iaspoint.com/public-interest-litigation-in-india/>
- [4]. <https://vakilsearch.com/blog/critique-of-public-interest-litigation-in-india-challenges-and-limitations/>
- [5]. <https://www.nextias.com/blog/public-interest-litigation/>
- [6]. <https://www.legalserviceindia.com/legal/article-19057-contribution-of-public-interest-litigation-and-protection-of-rights.html>
- [7]. <https://blog.ipleaders.in/mc-mehta-vs-union-of-india-1986-case-analysis/>
- [8]. <https://www.dhyeyalaw.in/mc-mehta-v-union-of-india-air-1987-sc-965>
- [9]. <https://www.legalserviceindia.com/legal/article-11681-m-c-mehta-v-s-union-of-india-ganga-pollution-case-citation-air-1988-sc-1037-1987-4-scc-463.html>
- [10]. <https://indiankanon.org/doc/1031794/>
- [11]. <https://lawbhoomi.com/rural-litigation-and-entitlement-kendra-ors-v-state-of-up-ors/>
- [12]. <https://lawbhoomi.com/parmanand-katara-vs-union-of-india-ors/>